

Notice of Intent to Certify Sole Source

To: Interested Parties

From: David C. Johnson

CC: ITS Project Number 46345

Date: September 28, 2021

Re: Sole Source Certification Number 4409 to provide LACES NexGen Software for the Mississippi Community College Board (MCCB)

Contact Name: Kimberly Parker

Contact Phone Number: 601-432-8049

Contact E-mail Address: kimberly.parker@its.ms.gov

Sole Source Certification Award Details

Regarding Information Technology Services (ITS) Sole Source Certification Number 4409 for the Mississippi Community College Board (MCCB), please be advised that ITS intends to award LiteracyPro Systems, Inc. as the sole source provider of LACES NexGen Software through October 31, 2024, in an amount not to exceed \$264,224.00. Please be advised that ITS will determine if additional maintenance, enhancements, upgrades, or support are within scope during the certification period and may increase the spending authority accordingly. Should LiteracyPro Systems, Inc. change their name during this certification period, then ITS will determine if a recertification is necessary. For an explanation regarding Mississippi state law, policy and procedures for sole source procurements, refer to Attachment C: Sole Source Procurement Overview.

Sole Source Criteria

1. The product or services being purchased must perform a function for which no other product or source of services exist:

The LACES (Literacy, Adult, and Community Education System) NexGen software is a student accountability solution that analyzes student performance outcomes and program quality. It allows the Mississippi Community College Board (MCCB) to customize reports needed for federal and state reporting requirements. It relieves agency staff of database development, data aggregation, verification procedures, and report generation so they can allocate resources to program improvement activities. In addition to objective performance data such as outcome cohorts, hours, and assessment scores, LACES NexGen makes it possible to record unlimited amounts of subjective information, such as instructor comments and individual learner goals. Only Laces NexGen offers users the ability to drill down to

a student level on all cells in the National Reporting System (NRS) tables and includes modules of pre-built import functionality allowing instructional hours to be electronically uploaded. Only Laces NexGen is designed to create an unlimited set of roles and determines the access of each role. Only Laces NexGen is designed to track student, staff and volunteer tutor hours receiving instruction from multiple modalities that have their own individualized process/workflow and screens. LiteracyPro Systems, Inc. will ensure that the LACES NexGen software remains current with all NRS reports and data collection changes and will provide training on these updates as needed. The customer's sole source certification request is included as Attachment A.

2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services:

The LACES NexGen management system will ensure data can be exported to the National Strategic Planning and Analysis Research Center (NSPARC) for data matching and, once imported, has the capability to exchange data with NSPARC to ensure performance accountability is met under the Mississippi Workforce Innovation and Opportunity Act, 2014 (WIOA). Interoperability, two-way data matching, and interfacing are key design features of the LACES NexGen software. Users are able to import assessment data from Tests of Adult Basic Education (TABE), Comprehensive Adult Student Assessment Systems (CASAS), General Assessment of Instructional Needs (GAIN), General Educational Development (GED), High School Equivalency Test (HiSET), and Total Administrative Services Corporation (TASC) into LACES NexGen. Data from other external data sources such as attendance modules can also be uploaded into LACES NexGen. LACES NexGen currently exports data for data matching with employment and Unemployment Insurance data sources for purposes of determining employment (gained and retained), High School Equivalency, and post-secondary data. Two-way data matching, particularly relevant data related to the National Reporting System, is another mature functionality currently found in LACES NexGen, and LiteracyPro has successfully met all deadlines set by the federal government. The customer's sole source certification request is included as Attachment A.

3. The product or services must be available only from the manufacturer and not through resellers who could submit competitive pricing for the product or services:

LiteracyPro Systems, Inc. is the sole developer of LACES. LPS is the only authorized distributor of the software and hosting. There are no resellers of LACES. Only LiteracyPro Systems, Inc. is authorized to sell, distribute, and support LACES. The Vendor's sole source certification letter is included as Attachment B.

Schedule

Task	Date
First Advertisement Date	09/21/21
Second Advertisement Date	09/28/21
Posting of Notice of Intent to Certify Sole Source Memorandum	09/28/21
Response Deadline From Objectors	10/12/21 at 3:00 P.M. Central Time
Notice of Award/No Award Posted	Not before 10/13/21

Project Details

The MCCB is responsible for administering Mississippi's Adult Basic Education (ABE) Program. The Office of Adult Education promotes programs that help American adults get the basic skills needed to be productive workers, family members, and citizens. The major areas of support are Adult Basic Education, Adult Secondary Education, and English Language Acquisition. These programs emphasize basic skills such as reading, writing, math, English language competency, and problem solving. The Mississippi Workforce Innovation and Opportunity Act (WIOA) requires the ABE system to meet the state and federal performance requirements.

The purpose of the program is to provide educational opportunities below the postsecondary level for adults over the age of 16 who meet the following:

- Are not currently enrolled in school;
- Lack a high school diploma; or,
- Lack the basic skills to function effectively in the workplace and in their daily lives.

In March 2016, ITS issued Notice of Intent to Certify Sole Source Certification Number 3888 for the acquisition of a student accountability solution mandated by the WIOA and the NRS. No objections/responses were received, and a Software as a Service Agreement was executed. In February 2019, ITS issued Notice of Intent to Certify Sole Source Certification Number 4179 for the renewal of the LACES NexGen software licenses and hosting and received no objections/responses. In September 2019, ITS issued Notice of Intent to Certify Sole Source Certification Number 4247 for the renewal of the LACES NexGen software through October 31, 2020 and received no objections/responses. In August 2020, ITS issued Notice of Intent to Certify Sole Source Certification Number 4326 for the renewal of the LACES NexGen software through October 31, 2021 and received no objections/responses.

On December 15, 2020 and April 20, 2021, ITS approved modifications to the LACES system in the amount of \$43,750.00. The total spend to date is \$437,310.00.

Submission Instructions and Format of Response from Objecting Parties

Interested parties who have reason to believe that the LACES NexGen Software should not be certified as a sole source should provide information in the following format for the state to use in determining whether or not to proceed with awarding the Sole Source contract to LiteracyPro Systems, Inc.

1.1 Interested Party Information

1.1.1 Contact Name, Phone Number and email address

1.1.2 Company Website URL, if applicable

1.2 Objection to Sole Source Certification

1.2.1 Interested parties must present specific objections to the Sole Source certification using the criteria listed above.

1.2.2 A statement regarding the Interested Party's capabilities as related to this Sole Source Certification Request.

1.3 Comments will be accepted at any time prior to Tuesday, October 12, 2021, at 3:00 p.m. (Central Time) to Kimberly Parker at kimberly.parker@its.ms.gov or at the Mississippi Department of Information Technology Services, 3771 Eastwood Drive, Jackson, Mississippi 39211. Responses may be delivered by hand, via regular mail, overnight delivery, e-mail or by fax. Fax number is (601) 713-6380. ITS WILL NOT BE RESPONSIBLE FOR DELAYS IN THE DELIVERY OF RESPONSES. It is solely the responsibility of the Interested Parties that responses reach ITS on time. Interested Parties may contact Kimberly Parker to verify the receipt of their Responses. Responses received after the deadline will be rejected.

1.4 Interested Party responses should include the following information:

**SUBMITTED IN RESPONSE TO
Sole Source Certification No. 4409-46345
Accepted until October 12, 2021 @ 3:00 p.m.,
ATTENTION: Kimberly Parker**

If you have any questions concerning the information above or if we can be of further assistance, please contact Kimberly Parker at 601-432-8049 or via email at kimberly.parker@its.ms.gov.

Attachment A: Customer Sole Source Certification Request

Attachment B: Vendor Correspondence

Attachment C: Sole Source Procurement Overview



Sole Source Certification Request

Project Title:		LACES NexGEN			
Contact Information					
Agency/Institution:		Mississippi Community College Board		Contact Person:	Sandy Crist
Mailing Address:		3825 Ridgewood Road Jackson, MS 39211		Phone Number:	601-432-6687
				Email Address:	scrist@mccb.edu
MAGIC Customer #: (Only required from state agencies.)			7000000104	Division/Dept:	
Project Summary					
Description of Project: (Include details of original acquisition if applicable)		Adult Education is required to meet the state and federal performance requirements under the new law Workforce Innovation and Opportunity Act, 2014 (WIOA). LACES NexGen is an adult education accountability system that generates all National Reporting System (NRS) reports and conforms to all federal and state mandated policies and laws. LACES NexGen generates reports that are important to local providers, including attendance sheets and transcripts, and exports data for many other types of reports. In addition, users can generate ad-hoc reports and use third-party tools (e.g. Microsoft Excel and Word, and Adobe PDF).			
ITS Acquisition Approval (CP-1) should be effective through this date:					
Cost Estimates (Maximum allowed duration is 3 years per request/project)					
Fiscal Year		Initial Costs	Ongoing Costs	Time Constraints	Estimate the Anticipated Lifecycle or Years of Product/System's Effective Use:
FY	11/01/21 – 10/31/22		\$86,127	Item Needed by: 10/31/21	
FY	11/01/22 – 10/31/23		\$88,056	Funds Expire: 10/31/21	3 years minimum
FY	11/01/23 – 10/31/24		\$90,041	Other Important Deadline(s): (e.g. current contract/CP-1 expiration dates)	
Total Estimated Project Cost:		\$264,224			
Funding Source: Click Here to Select					
Discuss Funding: (e.g. fund number; how much of needed funding is definite; total project budget; any matching or other non-state funds)			Quotes are from vendor for the cost of the program. Federal funding used to purchase software required for Federal Grant.		
Acquisition Details					
Item or Part Number	Quantity	Description			Building Location(s)
LACES for ABE Providers	22	Software solution for analyzation of student performance and program quality			
NRS Data Analyzation	22	Research and report production			
Training for local providers	2	Sessions required to cover 44 attendees			
Training for MS State staff	1	Session required to cover 24 attendees			
Hosting fee	1				
Describe Platform and Infrastructure: Where does your agency plan to house or host the requested equipment or service? What resources currently available through ITS are needed (network connectivity, cloud computing/storage, colocation, business resiliency, etc.)? NOTE: For equipment or services outside of current ITS available contracts and resources, justification must be attached.					
Data are housed at Rackspace, a top-tier data center. Data are replicated to several different database servers in the data center and offsite using replication software. Transactional data are backed up hourly during the day. Full backups are done nightly. Full backups are kept for at least the seven days prior, for each week during the month prior, and for each month in the quarter prior, and quarterly. Copies are located on a backup server in the data center and also kept offsite. Backup systems are also redundant. Backup archives hedge against user or system design errors.					
Sole Source Certification - Certification must be renewed for each revision or continuation of previous Sole Source Approvals.					
Explain why these products or services are the only ones that can meet your needs: (Include specific functionality or special features that make this product or service unique.)		The LACES (Literacy, Adult, and Community Education System) NexGen software is a student accountability solution that analyzes student performance outcomes and program quality. It allows the Mississippi Community College Board (MCCB) to customize reports needed for federal and state reporting requirements. It relieves agency staff of database development, data aggregation, verification procedures, and report generation so they can allocate resources to program improvement activities. In addition to objective performance data such as outcome cohorts, hours, and assessment scores, LACES NexGen makes it possible			



	to record unlimited amounts of subjective information, such as instructor comments and individual learner goals. Only Laces NexGen offers users the ability to drill down to a student level on all cells in the National Reporting System (NRS) tables and includes modules of pre-built import functionality allowing instructional hours to be electronically uploaded. Only Laces NexGen is designed to create an unlimited set of roles and determines the access of each role. Only Laces NexGen is designed to track student, staff and volunteer tutor hours receiving instruction from multiple modalities that have their own individualized process/workflow and screens. LiteracyPro Systems, Inc. will ensure that the LACES NexGen software remains current with all NRS.				
Specific business requirements to be met by the products/services: (e.g. intended use, how it helps accomplish a task, etc.)	The LACES NexGen management system will ensure data can be exported to the National Strategic Planning and Analysis Research Center (NSPARC) for data matching and, once imported, has the capability to exchange data with NSPARC to ensure performance accountability is met under the Mississippi Workforce Innovation and Opportunity Act, 2014 (WIOA). Interoperability, two-way data matching, and interfacing are key design features of the LACES NexGen software. Users are able to import assessment data from Tests of Adult Basic Education (TABE), Comprehensive Adult Student Assessment Systems (CASAS), General Assessment of Instructional Needs (GAIN), General Educational Development (GED), High School Equivalency Test (HiSET), and Total Administrative Services Corporation (TASC) into LACES NexGen. Data from other external data sources such as attendance modules can also be uploaded into LACES NexGen. LACES NexGen currently exports data for data matching with employment and Unemployment Insurance data sources for purposes of determining employment (gained and retained), High School Equivalency, and post-secondary data. Two-way data matching, particularly relevant data related to the National Reporting System, is another mature functionality currently found in LACES NexGen, and LiteracyPro has successfully met all deadlines set by the federal government.				
Explain why this is the only entity that can provide the products/services: (Include other products/vendors researched or evaluated.)	LiteracyPro Systems, Inc. is the sole developer of LACES (Literacy Adult and Community Education System). There are no resellers or other providers for this software and hosting.				
If for services or installations (not a product) the following two questions must be addressed.					
Vendor's proposal submitted:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (select only one)	Vendor's Certification of Sole Source attached:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
MAGIC Vendor Code(s) - Vendor must be in MAGIC before a CP-1 can be issued.					
Place Order To Vendor Code: 3102026064	Vendor Name:	LiteracyPro Systems, Inc.	Remit To Vendor Code:	Vendor Name:	LiteracyPro Systems, Inc
	Vendor Address:	2355 Canyon Blvd., Suite 204, Boulder, CO 80302	3102026064	Vendor Address:	2355 Canyon Blvd., Suite 204, Boulder, CO 80302

By my signature, I certify that, to the best of my professional knowledge: the requested product or services are a sole source as outlined in the ITS Procurement Handbook, Rule 207.2:013-030 Procurement Types: Sole Source, and as outlined in Mississippi Code annotated Section 31-7-13.

Kell Smith, MCCB Interim Executive Director

Name and Title (Agency Head/Institution President/CIO)

Signature

Date



SOLE SOURCE DOCUMENT

To Whom It May Concern:

September 21, 2021

As the CEO and founder of LiteracyPro Systems, I attest that, to the best of my knowledge, the following information is true and accurate.

LiteracyPro Systems, Inc. is the sole developer of LACES (Literacy Adult and Community Education System). LPS is the only authorized distributor of the software and hosting. There are no 'resellers' of LACES. Only LPS is authorized to sell, distribute, and support LACES. Launched in 2006, we believe LACES qualifies for a sole source designation for the following reasons:

- Only LACES offers users the ability to drill-down to a student level on all cells in all NRS tables;
- Only LACES allows users to import and synchronize assessment data from TABE, CASAS and GAIN;
- Only LACES allows users to import and synchronize HSE (High School Equivalent) assessment data - including individual subtest scores - from GED, TASC and HiSET;
- Only LACES includes modules of pre-built import functionality allowing instructional hours to be electronically uploaded;
- Only LACES is designed to track student, staff and volunteer tutor hours receiving instruction from multiple modalities. Each instructional modality (class, small group, and pairs) has its own individualized process/workflow as well as its own individual set of screens;
- Only LACES is designed to create an unlimited set of roles;
- Only LACES is designed to determine the level of access for each role;
- Only LiteracyPro met the deadline of July 1, 2012 set by the federal governments to modify the NRS tables. These modifications required significant investment of time and expertise. Changes were made without cost.
- Over the past three years, only LACES has been successfully audited in seven different states by OCTAE as a result of a random review of state systems. (Since LACES is deployed in 26 states, the chance of one of our state clients being chosen for a random audit is much higher.)

Please don't hesitate to contact me if you need additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read 'David Miller'.

David Miller
CEO, LiteracyPro Systems, Inc.

The acquisition of information technology for all state agencies and institutions of higher learning (IHLs) is within the scope of the ITS law, found in Mississippi Code Section 25-53-1, et seq., and the policies and procedures established in accordance with this statute, found in the ITS Procurement Handbook posted on the ITS website (www.its.ms.gov).

ITS enabling legislation requires that information technology hardware, software and services be acquired in a manner that insures the maximum of competition among all manufacturers and suppliers of such equipment and services. Accordingly, ITS promotes full and open competition through the issuance of open specifications and the objective evaluation of Interested Party proposals to determine the lowest and best offering to meet an agency's or public university's business requirements. True competition protects the integrity and credibility of purchasing in the public sector and is essential in providing best value and adequate contractual protection for the purchasing entity. In certain limited situations, information technology acquisitions may be sole-sourced.

ITS utilizes the provisions of Public Purchasing Law for Sole Source and Emergency procurements of information technology. Mississippi Public Purchasing Law (Mississippi Code Section 31-7-13) specifies that noncompetitive items available from one source only be exempted from bid requirements (sole-sourced). ITS statute, in Section 25-53-5 (p), permits ITS to utilize provisions in Public Purchasing Law or regulations, when applicable.

Per Public Purchasing law, acquisitions must meet the following criteria to be authorized as sole source:

1. The product or services being purchased must perform a function for which no other product or source of services exists,
2. The purchaser must be able to show specific business objectives that can be met only through the unique product or services, AND
3. The product or services must be available only from the manufacturer and NOT through resellers who could submit competitive pricing for the product or services. The vendor's correspondence regarding this criterion for this project is included as Attachment B.

By policy as documented in the ITS Procurement Handbook, acquisitions of IT services must include the following information to be authorized as sole source:

1. An explanation about why the amount to be expended is reasonable, and
2. An explanation regarding the efforts by the purchaser to obtain the best possible price.

For state agencies, approval of all technology purchases with a lifecycle cost of \$5,000 or less, including sole source purchases, has been delegated to the agency. The ITS Procurement Limits Policies for Agencies (a section in the ITS Procurement Handbook) require a minimum of two competitive written bids or proposals for technology purchases with a lifecycle cost over \$5,000 but not over \$50,000 (not over \$25,000 for projects funded by the American Recovery and Reinvestment Act). Since, for single source items, the procuring agency will be unable to obtain two written bids, ITS must certify all sole source acquisitions of information technology with a lifecycle cost greater than \$5,000.

Institutions of Higher Learning (IHLs) or public universities have been delegated the authority to certify sole source procurements up to \$250,000 lifecycle cost under the ITS Procurement Limits Policies for IHLs (a section in the ITS Procurement Handbook). For the certification of sole source procurements delegated to the CIOs at public universities, the public university must follow ITS' Sole Source Procedure, including advertisement of the intent to award as sole source. Institutions certifying a sole source purchase must ensure the criteria listed above are met and documented in writing by the institution and the Interested Party prior to certifying a product or service as sole source. Sole source documentation must be reviewed and approved by the IHL's CIO for any sole-source certification

above \$5,000. All sole source documentation should be retained in the public university's procurement file. Sole source requests above \$250,000 lifecycle cost require ITS approval.

Other than the delegations outlined above, all sole source technology procurements must be certified by ITS. The customer's Sole Source Certification Request for this project is included as Attachment A.

ITS thoroughly reviews Sole Source Certification Requests, determining if competing products and/or services exist. If so, ITS conducts a competitive procurement. If ITS' review confirms the sole source, then a Sole Source advertisement is issued, giving other Interested Parties an opportunity to identify competing products and/or services. Based upon the results of the Sole Source advertisement, ITS will either certify the request as a sole source or conduct a competitive procurement.